

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HECTOR GONZALES GOMEZ,
Plaintiff,

v.

**B&Z LOGISTICS, INC. AND
JOHN DOE,**
Defendants

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Cause Number: 5:19-cv-00009

DEFENDANT B&Z LOGISTICS, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant B&Z LOGISTICS, INC. (hereinafter "B&Z") files this Notice of Removal and respectfully shows the following:

I. STATE COURT ACTION

The above-styled suit was initially brought in the 224th Judicial District Court of Bexar County, Texas, cause number 2018CI22008.

II. PARTIES

Plaintiff, Hector Gonzalez Gomez ("Plaintiff"), is an individual residing in Bexar County, Texas and upon information and belief is a citizen of the State of Texas.

Defendant B&Z Logistics, Inc. is a citizen of Missouri having been incorporated under the laws of the State of Missouri and having its principal place of business in that state.

Defendant John Doe is being sued under a fictitious name, and therefore, his citizenship can be disregarded. 28 U.S.C.A. § 1441(b)(1).

III. JURISDICTION

This Court has subject-matter jurisdiction over this cause pursuant to 28 U.S.C.A § 1332 because this is a civil action in which the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. The following information establishes this Court’s subject-matter jurisdiction under 28 U.S.C.A § 1332:

1. Plaintiff states in his Original Petition that “Plaintiff in good faith pleads the value of this case is more than one million dollars (\$1,000,000.00).”¹;
2. Plaintiff states in his Original Petition that he “is an individual residing in the County of Bexar, State of Texas.”² Upon information and belief, Plaintiff is also a citizen of the State of Texas;
3. Defendant B&Z is a citizen of the State of Missouri;
4. Defendant John Doe is a being sued under a fictitious name, and therefore, his citizenship can be disregarded. 28 U.S.C.A § 1441(b)(1); and
5. Therefore, this Court has subject-matter jurisdiction under 28 U.S.C.A § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States.

IV. TIMELINESS

B&Z was served with process and Plaintiffs’ Original Petition through the Texas Secretary of State on December 7, 2018. Thirty days have not elapsed since B&Z was served with process. Pursuant to 28 U.S.C.A. § 1446, this Notice of Removal is timely and proper.

1 Pl’s Original Pet. at 4.

2 Pl’s Original Pet. at 1.

V. ATTACHMENTS

Accompanying this Notice of Removal is the following:

1. The civil cover sheet;
2. Plaintiff's Original Petition;
3. Defendant's Original Answer;
4. All executed process; and
5. A Notification of Removal to the state court and all counsel.

VI. CONDITIONS PRECEDENT

B&Z has tendered the required filing fee of to the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, along with this Notice of Removal. A copy of this Notice of Removal is also being filed in the 224th Judicial District Court of Bexar County, Texas, and all counsel of record are being provided with complete copies.

Accordingly, Defendant respectfully requests that the above action, now pending in the 224th Judicial District Court of Bexar County, Texas, cause number 2018CI22008, be removed therefrom to this Court.

Respectfully submitted,

LOPEZ LAW GROUP PLLC

[Signature on following page]

By: /s/ Brian C. Lopez
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**ATTORNEYS FOR DEFENDANT
B&Z LOGISTICS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served pursuant to the Federal Rules of Civil Procedure on this the 4th day of January 2018, upon the following parties and counsel of record:

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